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August 3, 2016

VIA ECF AND REGULAR MAIL

Hon. Stanley R. Chesler, U.S.D.J.
Hon. Cathy L. Waldor, U.S.M.J.
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: *Mondis Technology Ltd. v. LG Electronics Inc., et al.*,
Civil Action No. 15-4431**

Dear Judge Chesler and Judge Waldor:

This firm, together with Mayer Brown LLP, represents Defendants LG Electronics, Inc. and LG Electronics U.S.A., Inc. (collectively, "LGE") in the above-captioned litigation. We write further to our letter of July 18, 2016, this Court's July 22, 2016 order scheduling a teleconference for August 4, 2016, and responsive to Mondis's August 2, 2016 letter regarding the case schedule. (Dkts. 133, 137, 138).

On July 27, 2016, in an effort to meet and confer on scheduling issues, counsel for LGE sent Mondis a proposed schedule for consideration and comment. This schedule appropriately included all deadlines required under the Local Patent Rules for this District, and considered the likely impact of the reexaminations on several issues in this case, as noted in detail in LGE's July 18, 2016 letter (Dkt. 133). Instead of proposing any modifications to that schedule or meeting and conferring on the issue, Mondis proposed an entirely new schedule, and unilaterally filed same on August 2, 2016—even after counsel for LGE suggested that the parties submit the proposals jointly for the Court's convenience.

Accordingly, in an effort to streamline issues, we enclose at Exhibit A the parties' proposed schedules. As noted above, LGE's proposed schedule fully comports with the Local Patent Rules for this District. LGE's proposed schedule further provides proper time periods for both parties to properly complete fact and expert discovery and prepare the matter for trial in a way that does not prejudice either party. Additionally, LGE's proposal adds a deadline for the parties to serve requests for production (recognizing that formal document requests are not required in E.D. Texas, and that accordingly no such requests were pending at the time of the stay). Finally, the schedule includes a deadline for the parties to file motions to amend the pleadings, as LGE currently intends to file a motion to amend its answer and counterclaims to allege inequitable conduct in view of certain statements made by Mondis and its counsel before the PTO over the course of the reexaminations.

Conversely, and by way of clarification for the Court, Mondis's proposal omits several deadlines required by the Local Patent Rules, including, various deadlines relating to claim construction. In

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addition, Mondis's proposed schedule further prejudices LGE by not providing adequate time to complete fact and expert discovery and otherwise properly prepare the case for trial. By way of a single example (of which there are many), Mondis's proposed schedule deprives LGE of the opportunity to review Mondis's amended infringement contentions before serving amended invalidity contentions. Obviously, LGE will need to review those amended contentions in order to see how Mondis's infringement theory has been impacted by the reexaminations.

Lastly, and contrary to Mondis's repeated assertions, this case was in its early stages at the time of the stay¹, and discovery was far from complete. As this Court correctly noted in its stay order:

The Court finds that this case is still in its early stages. Fact discovery in this case began in February 2015, and paper discovery has been extended to November [6], 2015 [Docket Entry 99]. Markman hearing and trial dates have not been set by this Court. Furthermore, Mondis recently added claims of infringement on 67 different products on August 5, 2015, and little discovery has been conducted on these additional claims. No depositions have been taken, no expert reports have been filed, and no dispositive motions have been filed with the Court. **Discovery in this case is certainly not complete.**

(Dkt. 120 at 15 (emphases added)).

LGE will be prepared to discuss the foregoing during the August 4, 2016 teleconference with the Court, and to answer any other questions the Court may have.

We thank the Court for its continued attention to this matter.

Respectfully submitted,

s/ Liza M. Walsh

Liza M. Walsh

Attachments

LMW/mh

cc: All Counsel of Record via ECF and Email

¹ On September 3, 2015, this Court granted LGE permission to file a motion to stay the case pending the USPTO's reexamination of the patents-in-suit. (Dkt. 99). The Court also extended "paper discovery with respect to the new products at issue" to November 6, 2015, and declined to otherwise set a schedule for this case. Following briefing, this Court stayed the entire case on November 12, 2015. (Dkt. 120).

EXHIBIT A**PROPOSED SCHEDULE**

Event	LG Proposal	Mondis Proposal
Parties to respond to outstanding written discovery served prior to Court's stay order	08/19/2016	08/19/2016
Plaintiff to serve Amended Infringement Contentions and accompanying documents pursuant to L. Pat. R. 3.1 and L. Pat. R. 3.2	08/11/2016	08/31/2016
Deadline to Amend Pleadings	08/14/2016	No proposal
Proposed Discovery Confidentiality Order	08/18/2016	No proposal
Defendants to serve Amended Invalidity Contentions and accompanying documents pursuant to L. Pat. R. 3.3 and L. Pat R. 3.4	09/6/2016	08/31/16
Defendants to serve its Non-Infringement Contentions and Responses pursuant to L. Pat. R. 3.2A	09/19/2016	09/15/2016
Plaintiff to serve its Responses to Invalidity Contentions pursuant to L. Pat. R. 3.4A	09/20/2016	09/15/2016
Deadline for parties to exchange their Proposed Terms for Construction pursuant to L. Pat. R. 4.1	10/04/2016	08/12/2016
Deadline to Meet and Confer on Terms and Joint Claim Construction and Prehearing Statement	10/15/2016	08/26/2016

Event	LG Proposal	Mondis Proposal
Deadline for parties to exchange Preliminary Claim Constructions and supporting evidence pursuant to L. Pat. R. 4.2(a) and (b)	10/25/2016	8/12/2016
Deadline to Serve Requests for Production	10/27/2016	No proposal
Deadline for parties to exchange identification of evidence to oppose other party's proposed construction pursuant to L. Pat. R. 4.2(c)	11/08/2016	No proposal
Deadline to Meet and Confer on Terms to Narrow Issues pursuant to L. Pat. R. 4.2(d)	11/15/2016	No proposal
Deadline for parties to file Joint Claim Construction and Prehearing Statement pursuant to L. Pat. R. 4.3	11/23/2016	09/16/2016
Discovery cutoff for claim construction (excluding experts) pursuant to L. Pat. R. 4.4	12/23/2016	No proposal
Deadline for parties to file and serve Opening <i>Markman</i> Submissions pursuant to L. Pat. R. 4.5(a)	01/6/2016	09/30/2016
Deadline for parties to file and serve responsive <i>Markman</i> briefs and related evidence pursuant to L. Pat. R. 4.5(c)	03/06/2017	10/14/2016
Deadline for parties to Meet and Confer on Construction Hearing format	03/15/2017	No proposal

Event	LG Proposal	Mondis Proposal
Deadline for parties to propose to the Court a schedule for a Claim Construction Hearing pursuant to L. Pat. R. 4.6	03/24/2017	10/21/2016
Completion of Fact Discovery	120 days after <i>Markman</i> Opinion or 06/23/2017 (whichever is sooner)	10/21/2016
Opening Expert Reports Due	09/22/2017	11/11/2016
Rebuttal Expert Reports Due	10/20/2017	12/09/2016
Reply Expert Reports Due	11/10/2017	No proposal
Completion of Expert Discovery	12/15/2017	12/30/2016
Dispositive Motions Due (No party shall file an application for a Clerk's Extension under Local Rule 7.1(d)(5))	01/11/2018	01/13/2016
Responses to Dispositive Motions Due	01/29/2018	(set by NJ motion dates)
Replies in support of Dispositive Motions Due	02/05/2018	(set by NJ motion dates)
Settlement Conference Letter Due	02/26/2018	No proposal
Final Pretrial Order Due	TBD by Court	TBD by Court

Event	LG Proposal	Mondis Proposal
Final Pretrial Conference	TBD by Court	TBD by Court
Trial Date	TBD by Court	TBD by Court